

Absent—Excused.

Fellbaum. Regan.
Martin.

S. C. R. No. 4 was referred to the Committee on Contingent Expenses by viva voce vote.

Executive Session.

Senator Sanderford stated that the time set for executive session had now arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

The Secretary informed the Journal Clerk that the Senate had confirmed the Governors appointees.

Adjournment.

On motion of Senator Pace the Senate at 4:35 o'clock p. m., adjourned until 2:30 o'clock p. m., Tuesday.

APPENDIX.**Committee Reports.**

Committee Room,
Austin, Texas, Oct. 22, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I as chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be District Attorney of the Twentieth Judicial District:

Hon. W. A. Morrison of Milam County, Texas, to fill the unexpired term of S. M. Burns, deceased.

To be a member of the Board of Directors, College of Arts and Industries:

Hon. W. R. Perkins, Jim Wells County, Texas, to fill the unexpired term of G. A. Parr, resigned.

To be an emergency Notary Public:

Miss Esther Friedman of Dayton, Liberty County, Texas., et al.

MARTIN, Chairman.

Confirmed.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
October 23, 1934.

The Senate met at 2:30 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Fellbaum. Regan.

Prayer by the Chaplain.

On motion of Senator Woodward further reading of the Journal was dispensed with.

Committee Reports.

(See Appendix.)

Bills and Resolutions.**Senate Bill No. 12.**

Senator Sanderford sent up the following bill:

By Senator Sanderford:

S. B. No. 12, A bill to be entitled "An Act to define license tax, regulate and control recreation establishment, fixing penalties for violation of said Act, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Oct. 23, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 7 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two houses. The following are appointed as conferees on the part of the House:

Pope, Greathouse, Hyder, Alsup and Chastain.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Resolution No. 6.

Senator Woodruff sent up the following resolution:

Be it resolved that the Secretary of the Senate be and is hereby directed to send a suitable floral offering to the funeral of Mrs. Mark Marshall to be paid for out of the contingent expense under the Senate.
WOODRUFF.

Read and adopted.

Senator Excused.

Senator Regan was excused for the day on account of important business on motion of Senator Moore.

Senate Bill No. 3.

The Char laid before the Senate S. B. No. 3:

S. B. No. 3, A bill to be entitled "An Act to amend Article 7336, Revised Civil Statutes of 1925, as amended by Chapter 117, Acts Forty-second Legislature, providing the time when ad valorem and poll taxes shall become due and when they shall become delinquent; providing penalty for non-payment of said taxes and for interest thereon; providing that current ad valorem taxes hereafter paid in full in October or November next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted two per cent and that current ad valorem taxes hereafter paid in December of the year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted one per cent; providing for payment of one-

half of current ad valorem taxes on or before November 30th and one-half of same on or before June 30th, both said dates of the year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts, and providing penalty for failure or refusal to pay last one-half; providing for graduated penalty on all current taxes not paid on February 1st, 1935, and on current taxes not paid on February 1st of each year thereafter; and providing for the releasing of the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1934 due the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before February 28, 1935 with the addition of (1%) one per cent penalty on said taxes; provided said taxes are paid after February 28, 1935 and on or before March 31, 1935 with an addition of two (2%) per cent penalty on said taxes; and provided said taxes are paid after March 31, 1935, and on or before April 30, 1935, with an addition of four (4%) per cent penalty on said taxes; and provided that said taxes are paid after April 30, 1935, and on or before May 31, 1935, with an addition of six (6%) per cent penalty on said taxes; and provided that said taxes are paid after May 31, 1935, and on or before June 30, 1935, with an addition of eight (8%) per cent penalty on said taxes; and providing further that this Act releasing penalties and interest shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of said ad valorem and poll taxes will accelerate the payment thereof; and such governing body has adopted a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact, shall have the authority to put in force and effect the provisions hereof as to any such

city, town, or village, or special school district or independent school district; providing methods of assessing, collecting and distributing penalties and interest; providing form and time delinquent report shall be made by tax collector; providing that the Comptroller of Public Accounts shall prescribe forms for tax rolls to be used by the county tax assessors and collectors of taxes; providing that all laws in conflict with this Act are repealed; and declaring an emergency."

Senator Hornsby moved that S. B. No. 3 be laid on the table subject to call.

The motion prevailed.

Motion for Conference Committee.

Senator Collie moved that the Senate grant the request of the House for a conference committee on H. B. No. 7.

The motion prevailed by viva voce vote.

The Chair appointed the following on the part of the Senate:

Rawlings, Sanderford, Oneal, Duggan and Redditt.

Recess.

On motion of Senator Woodul the Senate at 2:40 o'clock p. m., recessed until 3:55 o'clock p. m.

After Recess.

The Senate met at 3:55 o'clock p. m., pursuant to recess and was called to order by the Lieutenant Governor Edgar E. Witt.

Joint Session.

Senator Woodul stated that the hour had now arrived for the joint session of the Legislature for the purpose of hearing an address by Judge W. O. Huggins, and asked that the Senate form and march over in a body.

Adjournment.

On motion of Senator Woodul, the Senate at 4:00 o'clock p. m. adjourn until 11:00 o'clock a. m. Wednesday.

The motion prevailed.

APPENDIX.

Committee Reports.

(Majority Report.)

Committee Room,
Austin, Texas, Oct. 23, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. C. R. No. 3, Requesting the Governor of Texas to furnish to the Legislature the names of the one hundred four members of the House of Representatives who expressed themselves in favor of the session, the names of the thirty-six opposed, and the names of the ten neutral; and also the names of the nineteen Senators who favored another session, the names of the nine who were against it, and the two who were not found for a statement.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HOPKINS, Chairman

(Minority Report.)

Committee Room,
Austin, Texas, Oct. 23, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of the Committee on State Affairs, to whom was referred

S. C. R. No. 3, Requesting the Governor of Texas to furnish to the Legislature the names of the one hundred four members of the House of Representatives who expressed themselves in favor of the session, the names of the thirty-six opposed, and the names of the ten neutral; and also the names of the nineteen Senators who favored another session, the names of the nine who were against it, and the two who were not found for a statement.

Have had the same under consideration, and beg leave to dissent from the majority report on said bill and recommend that said bill do pass, and be not printed.

DeBERRY,
MOORE.

Committee Room,
Austin, Texas, Oct. 22, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Town
and City Corporations, to whom was
referred,

S. B. No. 10, A bill to be entitled
"An Act amending Section 1 of Chap-
ter 130, Acts of the Regular Session
of the Forty-third Legislature so as
to provide for the issuance of rev-
enue bonds by cities and towns which
have assumed the control of the pub-
lic schools within their boundaries
and to amend Section 3 by providing
that any bonds issued shall be pay-
able from the net revenues of the
project after payment of operating
and maintenance charges, and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass.

MARTIN, Vice-Chairman.

Committee Room,
Austin, Texas, Oct. 23, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 6, A bill to be entitled
"An Act providing that on and after
the passage of this Act, ad valorem
taxes shall be assessed and levied in
such a way that such taxes, if en-
tirely paid during the month of
October of the year for which such
taxes are assessed, will be ninety-
six (96%) per cent of the amount
that such taxes would be if paid after
the expiration of said year; etc., and
declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass with
committee amendment.

HOPKINS, Chairman.

Committee Amendment.

Amend H. B. No. 6, Section 1,
by striking out paragraphs A, B and
C and inserting in lieu thereof the
following:

"That such taxes, if entirely paid
during the months of October, No-
vember or December of the year for
which such taxes are assessed, will
be ninety-nine per cent (99%) of
the amount such taxes would be if

paid after the expiration of said
year."

Amend caption to conform.
Adopted.

Committee Room,
Austin, Texas, Oct. 23, 1934.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 11, A bill to be entitled
"An Act to aid the city of Palacios
and the village of Collegeport, both
situated in Commissioner's Precinct
No. 3 of Matagorda County, Texas,
in constructing and maintaining sea
walls, break-waters and shore pro-
tection, in order to protect said city
and village from calamitous over-
flows by donating to them eight-
ninths (8/9) of the ad valorem taxes
collected on all property, both real
and personal, in Commissioner's
Precinct No. 3 of Matagorda County,
Texas, for a period of thirty (30)
years; etc., and declaring an emer-
gency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed in the Journal.

HOPKINS, Chairman.

By Holbrook. S. B. No. 11.

A BILL To Be Entitled

An Act to aid the city of Palacios
and the village of Collegeport,
both situated in Commissioner's
Precinct Number 3 of Matagorda
County, Texas, in constructing and
maintaining sea walls, break-
waters and shore protection, in
order to protect said city and vil-
lage from calamitous overflows by
donating to them eight-ninths
(8/9) of the ad valorem taxes col-
lected on all property, both real
and personal, in Commissioner's
Precinct Number 3 of Matagorda
County, Texas, for a period of
thirty (30) years; providing for
a commission to construct such
sea walls, break-waters and shore
protection; providing for compen-
sation of the members of said
commission: providing a penalty
for misapplication of the moneys
thus donated; and validating all
proceedings and bonds authorized
and/or issued under chapter 61,
acts of the first called session of

the Forty-third Legislature; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That for a period of thirty (30) years, commencing with the fiscal year beginning September 1, 1933, there be and are hereby donated and granted by the State of Texas to a Commissioner, hereinafter created, in trust for the City of Palacios and the Village of Collegeport, both situated in Commissioner's Precinct Number 3 of Matagorda County, Texas, eight-ninths ($\frac{8}{9}$) of the net amount of the State ad valorem taxes collected on all property, both real and personal, in said Commissioner's Precinct Number 3 of Matagorda County, Texas, which shall be ascertained and apportioned as now provided by law.

Sec. 2. The moneys herein and hereby granted and donated to the said commission are declared to be trust funds for the purpose of paying the interest upon and creating a sinking fund for an issue or issues of bonds, the proceeds of which are to be used exclusively in constructing and maintaining sea walls, breakwaters, and shore protections in order that the said City of Palacios and said Village of Collegeport may be protected from calamitous overflows and storm waters.

Sec. 3. At the end of each month, the Collector of Taxes for Matagorda County, Texas, shall, on forms to be furnished by the Comptroller of Public Accounts, make an itemized report under oath to said Comptroller, showing each and every item of State ad valorem taxes collected by him as provided for in this Act, upon all property, both real and personal, in Commissioner's Precinct Number 3 of Matagorda County, Texas, and accompany same with a summarized statement showing full disposition of all such State taxes collected; said collector shall present such report together with the tax receipt stubs, authorized by law to be kept, to the County Clerk of Matagorda County, Texas, who shall within ten days compare said report with stubs, and if the same agree in every particular as regards names, dates and amount, the Clerk shall certify to its correctness and for which examination and certificate he shall be paid by the Commissioners' Court, Twenty-five cents for each certificate

and Twenty-five cents for each two hundred tax payers of said report. The said collector shall then immediately forward his report, so certified, to the Comptroller and shall pay over to the City Treasurer of the City of Palacios, Texas, eight-ninths ($\frac{8}{9}$) of all moneys collected by him during said month under the provisions of this Act, except such amounts as are allowed by law for assessing and collecting same, and shall forward a duplicate copy of the receipt given to him by the Treasurer of the City of Palacios, Texas, for such moneys to the Comptroller. The said Collector shall remit to the State Treasury one-ninth ($\frac{1}{9}$) of all such taxes collected by him from month to month.

Sec. 4. The Treasurer of the City, of Palacios is hereby made custodian of the funds herein and hereby granted and donated and said Treasurer shall disburse such funds upon vouchers drawn as provided for in Section 5 of this Act. The said Treasurer of the City of Palacios, Texas, shall, at the end of each month, make an itemized report under oath to the Comptroller of Public Accounts, showing the amount of money received by him from the Collector of Taxes for Matagorda County, Texas, and what disbursements, if any, have been made during said month of such moneys.

Sec. 5. There is hereby created a Commission which shall have full and exclusive power to do all things necessary and incidental, including the purchase of Rights-of-Way and removing obstructions therefrom, to carrying out the purposes of this Act. Such Commission shall consist of three (3) members, all of whom shall be residents of said Precinct Number 3 of Matagorda County, and shall be appointed by the Commissioners' Court of Matagorda County. Such Commission shall organize by electing one of its members as Chairman and one of its members as Secretary. Vacancies on such Commission shall be filled by the said Commissioners' Court. The members of such Commission shall each receive the sum of three dollars per day, plus actual and necessary expenses provided; it is further provided that any expense account incurred by said Commissioners shall be itemized, filed in triplicate and sworn to before a No-

tary Public; one copy of the said expense statement shall be filed with the Commissioners' Court of Matagorda County, one copy shall be filed with the Treasurer of the City of Palacios, and one copy filed with the Comptroller of Public Accounts; the per diem compensation herein provided for shall be allocated for only the actual time such members shall be employed in the performance of the duties herein prescribed.

All disbursements of moneys by said Commission shall be by voucher drawn upon the Treasurer of the said City of Palacios, signed by the Chairman and countersigned by the Secretary of said Commission.

Sec. 6. The Commission herein created shall on the first day of January of each year, cause to be made an itemized statement, under oath and in triplicate, showing the amount of money received under this Act, and how, to whom, and for what purpose the same has been expended. One copy of such statement after having been audited shall be forwarded to and filed with the County Clerk of Matagorda County, Texas, as hereinafter provided, and one copy shall be forwarded to the Comptroller of Public Accounts, the remaining copy shall be filed with the Secretary of the Commission and made a part of the permanent records of the Commission. The said statements shall be sworn to by the Treasurer of said City of Palacios, and the correctness thereof shall be certified by an auditor appointed by the Commissioners' Court of Matagorda County, Texas, who shall, while auditing said statement, have before him all vouchers upon which expenditures have been made from said fund. And no item of expenditure shall be allowed or passed by said auditor unless he have in his possession legal and proper vouchers therefor, showing compliance with this Act. And upon the completion of said audit the said report and all vouchers shall be attached together, numbered consecutively, and be by said auditor returned to and thereafter safely kept by the County Clerk of Matagorda County, Texas, as a part of the records of his office.

Sec. 7. Whenever the moneys in the hands of the City Treasurer of the said City of Palacios, Texas, received from the State under the pro-

visions of this or any other law, may at the discretion of the Commission, be in a considerable excess of the sum of one year's interest and the required annual sinking fund on the bonds herein referred to that have been issued and are then outstanding such excess shall be invested, by the Commission in bonds of the United States, the State of Texas, or the bonds of any County or subdivisions thereof, City or Town of the State of Texas, bearing interest at the rate of not less than four (4%) per cent per annum; providing further, that when the sinking fund created under the provisions of this Act shall become sufficient to retire all outstanding bonds issued hereunder, the Act shall cease to be operative and the donations herein provided for shall cease.

Sec. 8. The use and diversion of the moneys herein granted for any purpose whatsoever is hereby prohibited, and the violation of the provisions of this Act shall constitute a misapplication of public money and the person or persons so offending shall be punished as provided for in Article 86 of the Penal Code of the State of Texas.

Sec. 9. In the event actual construction of the said sea wall and other break-waters has not begun within twelve months after approval of this Act, the said Act shall become null and void and of no effect.

Sec. 10. All proceedings heretofore had or undertaken under the provisions of Chapter 61, Acts of the First Called Session of the Forty-third Legislature, known and designated as Senate Bill No. 32, are hereby expressly legalized and validated. All proceedings and actions in reference to accepting the powers and assuming the duties permitted and prescribed under said law, and all bonds authorized to be issued and/or issued in pursuance to the terms of said Act for the construction and maintenance of sea wall, break-waters and shore protection for the City of Palacios, and the village of Collegeport, are all hereby, in all things, legalized and validated.

Sec. 11. It is imperative under the terms of this Act that the Sea-wall Commission and/or the Contractor or other persons who employ the labor for the construction of such sea wall, break-waters, and

shore protection shall be required to give preference to persons living in the locality who are on relief rolls of such locality or are otherwise unemployed; provided, such persons are capable of efficiently rendering the proper service in the various classifications of labor under which they are employed.

Sec. 12. The fact that the greater portion of Commissioner's Precinct Number 3 of Matagorda County, Texas, including the City of Palacios, is located on the shore of Matagorda Bay and only a few feet above sea level, and the fact that the waves are daily eroding the shore line of said Bay and destroying valuable properties, and the fact that a great number of Texas people and a great number of people living at Palacios, and a great number of visitors from the State of Texas are living on the

Bay front and located in such manner as to be wholly unprotected from the gulf storms, and the fact that a great number of said houses and other properties were damaged by the storms of 1915, 1916 and subsequent dates, and the further fact that a Loan and Grant from the Public Works Administrator is contemplated for the building of said sea walls, break-waters and shore protection and such Loan and Grant may be lost if a delay is had in the enactment of this law, creates an emergency and an imperative public necessity exists demanding that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

In Memory
of
Mrs. Maude Marshall

Senate Resoluton No. 5.

Senator Woodruff sent up the following resolution:

Whereas, The Supreme Ruler of the universe, has seen fit to call from this earth Mrs. Maude Marshall, of Wise County, Texas, wife of the Honorable Mark Marshall, Chairman of the Motor Bus Division of the Railroad Commission of Texas; and,

Whereas, The passing of this honorable, beloved and noble woman from our midst brings sadness to those who knew her and knew of her splendid contributions to the civic, historical and social organizations of which she was a member, and to the church to which she belonged; and,

Whereas, Mrs. Maude Marshall is remembered for her beautiful character, unselfish work in promoting the welfare of others and courageous battle in the face of a lingering illness, therefore, be it

Resolved that the Senate extend to the bereaved family sincere sympathy and that it adjourn today in honor of the memory of this distinguished woman; be it further

Resolved that a copy of this resolution be inserted in the Senate Journal and another copy sent to the surviving husband, Mark Marshall.

BECK,
BLACKERT,
COLLIE,
COUSINS,
DeBERRY,
DUGGAN,
FELLBAUM,
GREER,
HOLBROOK,
HOPKINS,
HORNSBY,

MARTIN,
MOORE,
MURPHY,
NEAL,
ONEAL,
PACE,
PARR,
PATTON,
POAGE,
PURL,
RAWLINGS,

REDDITT,
REGAN,
SANDERFORD,
SMALL,
STONE,
WOODRUFF,
WOODUL,
WOODWARD,
BOB BARKER,
Secretary of Senate.

Read and unanimously adopted by a rising vote.